REMARKS

Claims 17, 19-25 and 27-32 are pending in the present application. Claims 17 and 27 were amended in this response. Claims 18 and 26 were canceled, without prejudice. No new matter has been introduced as a result of the amendments. Support for the amendments may be found, for example on page 10, line 26 - page 11, line 16. Favorable reconsideration is respectfully requested.

Claims 17-32 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the present amendments, Applicant submits the objectionable language has been addressed. Withdrawal of the rejection is earnestly requested.

Claims 17-32 were rejected under 35 U.S.C. §102(e) as being anticipated by *Jorgensen* (US Patent 6,680,922). Applicant respectfully traverses the rejection.

Specifically, *Jorgensen* fails to teach or suggest the features of "variably allocating Quality of Service during call admission using the controller in response to the requests, wherein the Quality of Service is dependant upon at least one of (1) the service and (2) the requested use of the service, and wherein a high quality of service is awarded when a predetermined transmission capacity in the network exists, and a low quality of service is awarded otherwise" as recited in claim 17. *Jorgensen* discloses a system for guaranteeing bandwidth in a radio network, depending on the QoS requirements of the user connections (col. 12, lines 57-67). Accordingly, the QoS requirements of the individual connections are determined under *Jorgensen* by evaluating their IP header, and after the data is processed in the IP header, the connections are divided into QoS classes whereby connections having similar QoS requirements are allocated to the same classes (column 48, line 3 to 8; col. 61, lines 50-65). Thus, *Jorgensen* teaches that the QoS is passively allocated based on the already-determined QoS based on the IP flow, and subsequently secures the QoS based on the requirements in the network. *Jorgensen* only reacts to the *existing* QoS requirements and cannot variably allocate, during call admission, a QoS to a requested use as a function of the service or the requested use of the service. Essentially, users in *Jorgensen* request a specific channel having a specified quality of service, and the network subsequently informs the user whether or not the requested quality of service can be permitted.

In contrast, according to claim 17, instead of requesting a data channel having a determined quality of service, a request is made only to the use of the service for call admission (for support, see FIG. 2 and page 4, lines 15-21 of the amended specification). Subsequently, the controller responsible for call admission allocates a quality of service for the service itself, irrespective of specific requests for a particular quality of service by the user. Thus the *controller*, and not the user, of the service determines the quality of service to be set up in the communication network.

In light of the above, Applicants respectfully submit that claims 17, 19-25 and 27-32 are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-275) on the account statement.

Respectfully submitted,

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